

## **EAST AYRSHIRE COUNCIL**

**PLANNING COMMITTEE: 26 APRIL 2019**

**18/0611/PP: PROPOSED RESIDENTIAL DEVELOPMENT (84 UNITS) WITH  
ASSOCIATED ACCESS, INFRASTRUCTURE AND LANDSCAPING  
AT KILMARNOCK COLLEGE, HOLEHOUSE ROAD, KA3 7AT**

**APPLICATION BY BDW TRADING LTD & AYRSHIRE COLLEGE**

**Report by the Head of Planning and Economic Development,  
Economy and Skills**

**Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=PCW3F7GFG3J0>**  
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### **EXECUTIVE SUMMARY SHEET**

#### **PURPOSE OF REPORT**

1. The purpose of this report is to present for determination an application for planning permission which is to be considered by the Planning Committee under the Scheme of Delegation as it is Major Development, in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. These Regulations require the proposal to be determined by Planning Committee under the Council's Scheme of Delegation.
2. This application has been considered against the Development Plan policies and is not considered to be significantly contrary to the East Ayrshire Local Development Plan (EALDP). The appropriate route for a decision on this application is therefore consideration and determination by the Planning Committee as detailed within the Scheme of Delegation.

#### **RECOMMENDATION**

3. It is recommended that the Planning Application be Approved with Conditions, but that the decision notice is withheld until payment of the developer contribution and payment for the open space provision are both received and cleared, and failing that, the decision notice is withheld until the satisfactory conclusion of a s.75 legal agreement for developer contributions.
4. Should it not provide possible to address the payment of the required contributions as detailed in paragraph 3 above within a 6 month period from the date of the decision on this application, then the application will be referred back to Planning Committee for Members to determine the application on the basis of non-payment and against the relevant policies of the East Ayrshire Local Development Plan.

#### **CONTRARY DECISION NOTE**

5. Should the Committee agree that the application be refused on the principle of the development, contrary to the recommendation of the Head of Planning and Economic Development, the application will require to be referred to the Council because that would represent a significant departure from the Local Development

Plan, the site being designated for Housing Opportunity in the Local Development Plan.

**Michael Keane**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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#### APPLICATION DETAILS

3. **Site Description:** The site is an area of land of 2.8 hectares, roughly rectangular in shape, comprising the former Kilmarnock College main building and smaller ancillary buildings, all within landscaped grounds. To the immediate north is a bank of mature broad-leaved trees on the boundary of the site, which also comprises the railway banking for the rail line running to the south generally, and north to Glasgow. To the immediate east is De Walden Terrace (nos.1-14), a series of flatted properties, Category B listed buildings, in red sandstone, with Tudor timber details and projecting bay windows. To the west is the Braehead Court development, and to the south are the London Road properties, numbers 8- 12 (8-12 being residential, with 12 being the medical surgery and 14 being the public house and restaurant.
4. In the wider context, across the rail line to the north, is Kay Park (which is also a conservation area), and there is a direct pedestrian link though to the park under the rail line. Piersland Park Conservation Area lies further to the east and the Dick Institute is just over 100 metres (m) to the south, within the London Road Conservation Area.. It is around 400m to the underpass through to the Burns Mall. The site is not in any of the Conservation Areas but is just outwith.

5. **Proposed Development:** It is proposed to erect a residential development of 84 units including associated road access, infrastructure and landscaping on the site. The application is at detailed planning permission stage. The application is supported by: -
- Pre-application consultation report;
  - An assessment of traffic implications;
  - Desk top assessment of site investigation and engineering matters;
  - Report on flood risk;
  - Report on potential habitats and ecology;
  - A Design and Access statement;
  - Archaeology report;
  - Air Quality Impact Assessment; and
  - Noise Impact Assessment.
6. The development is proposed with a mix of housetypes and styles, incorporating both hipped roofs and dual pitched roofs, with two storey houses in the main part of the site, and three storey townhouses on the De Walden Terrace side of the site. The proposal comprises:-
- 5 x 2 bedroom affordable units (2 storey terraced, Type 21);
  - 16 x 3 bedroom affordable units (2 storey terraced, Type 31);
  - 20 x 3 bedroom townhouses (3 storey terraced, Type Leven);
  - 15 x 3 bedroom units (2 storey semi-detached /terraced, Type Traquair);
  - 13 x 4 bedroom units (2 storey detached, Type Dunbar);
  - 12 x 4 bedroom units (2 storey detached, Type Fenton); and
  - 3 x 4 bedroom units (2 storey detached, Type Balmoral).
7. The two storey houses have gabled fronts to break up the massing, and some have integral garages. The site is arranged with one street running north-south along the west part of the site, continuing along the north, and then down the east side of the site, and a middle area grouped around, and linking back in to the access road. Open space is to the front of the site at the entrance on Holehouse Road. Landscaping proposed included hedging (Laurel) along the front of the town houses on De Walden Terrace, and a mix of hedging throughout the public areas (beech, hawthorn, blackthorn, laurel), with trees comprising alder, birch, cherry, oak, and rowan. Proposed shrubs are hydrangea, mahonia, hebe, skimmia, ceanothus, which will give a range of depth and colour.
8. The 21 affordable units would be purchased (as part of the Social Housing Investment Plan and with grant monies from Government) by East Ayrshire Council for use as social rented homes to be let in accordance with the Council's Allocations Policy. All homes would thereafter be retained for rent and not sold.

## **CONSULTATIONS AND ISSUES RAISED**

9. West Of Scotland Archaeology Service (WOSAS) noted that one of the documents supplied in support of the proposal is a desk-based assessment, prepared on behalf of the applicant by GUARD Archaeology Ltd. This considered various sources during the course of the assessment, with this information being supplemented by a walkover survey of the plot of ground proposed for development, and concludes that *'the proposed development area is not considered to be especially archaeologically*

*sensitive and the removal of much of the original ground surface has significantly reduced the archaeological potential of the Site*. WOSAS would agree with this conclusion, though would also note that it is likely that this assessment did not need to take place; in March of 2018, WOSAS were contacted by staff from another archaeological contractor, AOC Archaeology Group, in relation to a pre-application enquiry that had been submitted for the development of this plot (planning reference 17/0005/PREAPP). In the response to AOC, WOSAS advised that the majority of the site appeared to have been heavily disturbed, and as a result, that it was unlikely that WOSAS would consider further archaeological work to be necessary. Given that the GUARD report comes to the same conclusion, WOSAS confirmed that this proposal does not appear to raise a substantive archaeological issue.

***Noted.***

10. Scottish Water (SW) has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

- There is currently sufficient capacity in the Amlaird Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to SW.

**Foul**

- There is currently sufficient capacity in the Meadowhead Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to SW.

***Noted, the applicant should contact Scottish Water with regard to the servicing of their development.***

11. East Ayrshire Council (EAC) Housing Service note that the East Ayrshire Strategic Housing Investment Plan (SHIP) 2018-2023 covers a five-year period, and sets out how resources are proposed to be used to deliver the Council's affordable housing supply priorities, as set out in the East Ayrshire Local Housing Strategy 2013-2018. The SHIP 2018-2023 was approved by Cabinet in November 2017. The 20 social rented homes at Holehouse Road, Kilmarnock, that form part of the development are being delivered through the East Ayrshire Affordable Housing Policy, and will form part of the Strategic Local Programme Agreement that will be issued by the Scottish Government in response to the SHIP submission. The approved SHIP allows for the development of 20 social rented homes on the site at Holehouse Road, Kilmarnock, in 2018/19. The proposals being promoted will seek to deliver 21 x 2 bed and 3 bed family-sized houses in response to identified need on the cleared site.
12. Key to the success of the East Ayrshire new build affordable housing programme has been the provision of homes of the right size and type, so as to meet the needs of our residents throughout their life experiences. In order to assist people to live safely at home, new homes must be fit for purpose. In this regard, as Strategic Housing Authority, the Council would recommend consideration is given to amending the proposed parking space provision for the social rented properties within the development. Each of the social rented homes only has one car parking space allocated. Each of the proposed private houses has at least two spaces provided. It

should be incumbent on any developer to provide the same level of car parking spaces for residents regardless of tenure. Further, given new legislation is to be promoted to deter parking on the pavement, the development should be future-proofed. By providing one space per property only, residents with more than one car will be forced to find alternative parking locations, typically on the pavement.

13. In addition, it is noted that all parking spaces for the social rented homes are proposed to be located to one side of the entrance roads, thereby placing parking spaces in front of one row of homes. There is therefore the potential for residents to assume the parking spaces are for the sole use of residents whose homes are fronted by the parking. Moreover, the proposals allow for visitor parking to be located at the front elevation of three social rented homes; a design detail that can cause ongoing estate management issues.

***Noted. A revised scheme was submitted rectifying the issues that have been raised above, to the satisfaction of EAC Housing and Ayrshire Roads Alliance (ARA).***

14. East Ayrshire Council Environmental Health Service commented that, with specific reference to the Noise Impact Assessment (NIA) submitted in support of the application, it is noted that the majority of properties would meet appropriate noise standards with open windows but that minimum specifications for combined glazing and ventilation will need to be incorporated into the design in some habitable rooms in those properties directly facing London Road, Holehouse Road, or the railway. This would enable residents to maintain acceptable levels of noise by closing windows whilst still achieving acceptable levels of ventilation. This is considered acceptable for what is essentially an existing residential area in an urban setting. It is important, however, that the specifications set out in the report are incorporated into the final build. Any approval should also be conditional upon:

1. Construction work shall be limited to the hours of 8am to 6pm Monday to Friday and 8am to 1pm on a Saturday with no construction work occurring on a Sunday.
2. A Dust Management Plan referencing the construction phase of the development shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site. A dust generation risk assessment shall be undertaken and form part of the Dust Management Plan.

Guidance Note. With reference to condition 2, reference should be made within the Dust Management Plan to appropriate technical guidance e.g. IAQM Guidance on the assessment of dust from demolition and construction 2014.

***Noted, this can be covered by planning conditions as recommended if consent is to be granted.***

- 15 East Ayrshire Council Environmental Health (Contaminated Land) Service noted that having reviewed the FWS Geological & Geotechnical Consultants Phase 1 and 2 Geo environmental Investigation (February 2018) submitted in support of the recommendations and remedial actions in the report i.e. the provision of topsoil in garden areas and gas protection measures in houses are acceptable to this department as suitable measures to render the site fit for purpose. On completion of

the remedial works a Completion Report must be supplied which should include validation and verification that the remedial measures have been carried out in accordance with the report recommendations.

***Noted, this can be covered by a planning condition requiring a Completion Report to be approved if consent is to be granted.***

16. East Ayrshire Council Education & Social Services commented regarding the number of units proposed, noting it is likely that both primary and secondary schools would have the capacity to accommodate any additional children for the development. However overall, from an educational perspective there are no objections to the development.

***Noted.***

17. Network Rail (NR) has no issues with the principle of the proposed development, however, NR would have to object to the proposal unless the following conditions were attached to the planning permission, if the Council is minded to grant the application:

1. The applicant must provide a suitable trespass proof fence of at least 1.8 m in height adjacent to NR's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reasons: *In the interests of public safety and the protection of NR infrastructure.*

***Noted and this can be covered by a suitable planning condition if consent is to be granted.***

18. NR would also recommend that the following matters are taken into account and are included as advisory notes, if granting the application:

1. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. NR can provide details of planting recommendations for neighbours. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

19. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining NR structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from NR's Asset Protection Engineer before development can commence.

20. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Details of all changes in ground levels, retaining walls, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to NR's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via NR's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
21. East Ayrshire Council Inclusive Design Advisor has no comments.
22. Ayrshire Roads Alliance (ARA) noted the following advice with regard to the Transport Statement prepared in support of the proposed development by Peter Brett Associates (PBA).

*Accessibility and Sustainable Transport Options:*

23. In anticipation of the Centrestage project, and to investigate future possibilities for the 'Cultural Quarter' ARA previously commissioned PBA to test possible access options to the former Kilmarnock Academy site and examine the effect of the potential development on existing junctions. The analysis also took account of the proposed residential development on the former Kilmarnock College site to ensure a robust analysis.
24. The current Transport Statement prepared by PBA on behalf of Barratt is intended to address further issues specific to the lodged application that were not considered in the earlier PBA study commissioned by the ARA. As the initial PBA work commissioned by ARA had examined junction assessment analysis of existing and proposed access junctions it was agreed with PBA that no additional junction analysis would be required. The Transport Statement focuses on transport infrastructure, travel characteristics associated with the site, parking requirements, and proposed measures to improve the infrastructure and services and encourage sustainable travel to the site.
25. The Transport Statement has been carried out taking account of all relevant Statutory Instruments and Policy Documentation including the following:
  - Scottish Planning Policy
  - Designing Streets and National Road Development Guidance
  - Transport Assessment Guidance
  - East Ayrshire Local Development Plan
  - EAC Local Transport Strategy
  - EAC Core Paths Plan
  - EAC Roads Development Guide
26. The site is located within a convenient network of footways with Kilmarnock town centre under 5 minutes' walk away. The site is easily accessible by bus services from both London Road and the bus station which is also under 5 minutes' walk. In accordance with PAN75 the train station is within an 800 metre walking distance. There is no dedicated cycle infrastructure in the immediate vicinity of the site, although Holehouse Road is signed as a cycle route. The NCN73 is around a 5

minute cycle from the site. Additionally the site can be conveniently accessed by car from both the strategic and local road network. The application proposes a single site access/egress directly onto Holehouse Road just off the B7073 London Road, via the existing college access which would be widened out to 5.5m accordingly.

Junction and Network Analysis:

27. As indicated above, the earlier studies carried out by PBA on behalf of ARA examined the effects of the development on the existing road network junctions and concluded that, other than a new arrangement being required to allow suitable access to the site, no further junction testing would be necessary.

Parking Provision and Internal Layout:

28. To satisfy the EAC Roads Development Guide, parking requires to be provided as follows:
- 2 bedroom house – 2 spaces plus 0.25 unallocated
  - 3 bedroom house – 2 spaces plus 0.25 unallocated
  - 4 bedroom house – 3 spaces plus 0.10 unallocated
29. The overall parking provision should therefore be 194 spaces allocated with 15 unallocated. The development proposes 174 allocated with 23 unallocated, which is not considered acceptable. The affordable house types in particular are light in proposed parking with one allocated space for all 2 bedroom houses. Additionally the layout indicated for these spaces is unacceptable as they are not provided outside the properties they relate to and may be used by the adjacent properties that they are contiguous with, either by accident or because the provision for these adjacent properties is already light. The unallocated visitor parking in front of units 19, 20 and 34 would be unacceptable.
30. The unallocated visitor parking in general throughout the development is poorly positioned with spaces provided close to the access serving no significant purpose whilst, other areas are either extremely well served or not at all in the case of the townhouses. This will require to be further addressed at Road Construction Consent (RCC) stage.
31. The footways serving the affordable housing units are of sub-standard width and would not be acceptable. The 2 cul-de-sacs designed to access the affordable housing units are proposed without any turning heads and would therefore be unacceptable. Additionally the cul-de-sacs in front of plots 39-42 and plots 55-58 have no turning heads and would also be considered as unacceptable. ARA would not adopt the access road serving plots 1 and 2 which would require to remain private. The access to driveways associated with plots 5, 6 and 7, which are all directly from a speed reduction bend and contiguous with each other would not be acceptable.
32. The parking proposed for the townhouses has been provided to the rear of the properties which front onto De Walden Terrace. As these properties are all shown with direct footway access onto De Walden Terrace, there is a concern that outwith daytime hours when parking restrictions on De Walden will be enforced, it will appear more convenient to access the townhouses by parking in De Walden Terrace and accessing the property through the front door leading immediately to the kitchen as

opposed to accessing from the rear through a public room. This is undesirable as De Walden Terrace already has limited parking for the existing properties that overspill onto the restrictions outwith the normal enforcement hours.

33. The proposed single access strategy to the development removes the existing access to the college located off De Walden Terrace and situated immediately to the south of the railway bridge linking De Walden Terrace to Kay Park Terrace. This secondary access point also acts as a turning head for traffic on De Walden Terrace. A turning head would therefore require to be provided to allow vehicles parked legally in De Walden Terrace outside their property to turn safely. There are further elements of the internal road layout mainly in connection with components of Designing Streets, which will require to be agreed at the RCC stage.

Residential Travel Pack:

34. A Residential Travel Pack will require to be provided to all new residents on occupation.

Construction Traffic Management Plan:

35. All traffic management issues likely to arise as part of the construction phase will require to be addressed in full as part of a Construction Traffic Management Plan (CTMP).

Conclusions and Recommendations:

36. ARA has no objections to the principle of a proposed Residential Development on the site of the former Kilmarnock College at Holehouse Rd, Kilmarnock, and would consider that the Transport Statement demonstrates that the proposed development is easily accessible by alternative and sustainable modes of transport and has reasonable links to public transport and the existing road network without the requirement of any major mitigation provided the following conditions, and advisory notes are attached to any consent granted.
- (i) The proposed access junction will require to be 5.5m in width with suitable entry and exit radii (Condition)
  - (ii) A turning head will be required at the end of De Walden Terrace (Condition)
  - (iii) A residential travel pack will require to be provided to all new owners / occupiers on occupation (Condition)
  - (iv) In advance of any construction work starting on site, a CTMP will require to be prepared and agreed with ARA (Condition)
37. However in relation to the proposed internal layout there are a number of issues that are of significant concern to ARA and until these points are adequately addressed, ARA would recommend that the application be deferred or refused, as a consent would not allow these concerns to be subsequently addressed at RCC stage, per:
- The parking provision associated with the affordable housing units is inadequate;
  - The unallocated parking directly outside 19, 20 and 34 is not acceptable;
  - The footways provided adjacent to all affordable housing units is sub-standard in width;

- The cul-de-sacs proposed to access the affordable housing require the provision of turning heads;
- The cul-de-sacs proposed to access plots 39-42 and 55-58 require the provision of turning heads;
- The design indicated for driveways 5, 6 and 7 directly from the speed reduction bend would be unacceptable;
- Further elements of the internal layout proposed in accordance with the principles of Designing Streets will require minor modifications for RCC;
- The current design would require the access to plots 1 and 2 to remain private; and
- The location of all unallocated visitor parking will require to be revised for RCC.

***Noted, the above matters were resolved through a number of amendments after further discussions with ARA. ARA later noted that:***

- ***the overall parking provision proposed for the affordable housing units would now be considered adequate;***
- ***The unallocated parking provision would also now be considered acceptable;***
- ***The extended 5m beyond plot 27 whilst not meeting the preferred turning head requirements would be considered acceptable;***
- ***The access and parking for plots 40 -45 would be via a private parking court. The parking court should be constructed in coloured asphalt or by the use of a coloured pre coat. No independent marking of the bays within the parking court should be carried out. A 3.5m wide maximum gateway feature should be installed across the parking court entrance. Although not forming part of the RCC, details of the gateway feature will be required to be provided with the RCC to ensure adequacy, as will the proposal for the coloured asphalt or Coloured pre coat;***
- ***The access and parking for plots 56-59 would be via a private parking court. The parking court should be constructed in coloured asphalt or by the use of a coloured pre coat. No independent marking of the bays within the parking court should be carried out. A 3.5m wide maximum gateway feature should be installed across the parking court entrance. Although not forming part of the RCC, details of the gateway feature will be required to be provided with the RCC to ensure adequacy, as will the proposal for coloured asphalt or Coloured pre coat;***
- ***The private access road to Plots 1-3 should be constructed in coloured asphalt, or by the use of a coloured pre coat. Details to be provided at RCC;***
- ***The private access road to Plots 6-7 should be constructed in coloured asphalt, or by the use of a coloured pre coat. Details to be provided at RCC;***
- ***The private access road to Plots 68-69 should be constructed in coloured asphalt, or by the use of a coloured pre coat. Details to be provided at RCC; and***
- ***The position indicated for the 2 traffic calming features would be acceptable. Further design details of these features would be required at RCC.***

***In summary, the above matters can be dealt with at RCC stage, as amended plans were submitted during the application process to address the points from a planning perspective.***

38. Ayrshire Roads Alliance (Flooding) noted that as can be seen from the Scottish Environment Protection Agency (SEPA) indicative 1:200 year map the location is at risk of Pluvial (surface water) flooding during the 1:200 year rainfall event. ARA therefore require that the applicant produces a Surface Water Plan detailing the 1:200 year rainfall event flood route through the site to the attenuation/SUDS such that no property on or off the site is affected by flooding. The attenuation should be sized to accommodate the 1:200 yr volume. Discharge if to a watercourse will be limited to 4.5ltrs/sec/ha. ARA note the indicative layout shows this area mostly used as open space/SUDS and this would seem sensible, but could be issue for the shown access. On review of the Flood Risk Assessment (FRA), ARA Flooding further noted that as long as the actions identified in the FRA are implemented ARA would have no further comments as far as flood risk.

***A condition can be attached in this regard, should Members grant consent.***

39. Scottish Environment Protection Agency (SEPA) offered the following advice:

*Flood Risk*

40. SEPA has no objection to the proposed development on flood risk grounds. Notwithstanding this SEPA would expect EAC to undertake their responsibilities as the Flood Risk Management Authority. A Flood Risk Assessment (FRA) has been submitted in support of a proposed residential development and SEPA would make the following comments. The FRA is largely qualitative in nature primarily using the SEPA Flood Map and topographic data. Based on the information provided SEPA would be in agreement with this approach. The FRA has indicated that a significant level difference exists between the watercourse and site. Therefore SEPA would be in agreement that the risk from river and coastal flood sources is low.
41. A potential surface water flood risk has been identified. A flood mitigation measure has been recommended and the Flood Risk Management Authority should satisfy themselves that post development runoff and management are acceptable. Given these factors SEPA are satisfied that the proposed development complies with the principles of Scottish Planning Policy.

*Groundwater /Site stability*

42. We recommend that if stabilisation works are identified as being required to facilitate the development, then where proposed, an appropriate risk assessment for the stabilisation of mine workings with PFA grout is produced prior to this activity being undertaken on site. The pouring of grout below the water table is a controlled activity under General Binding Rule (GBR) 16 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). GBR 16 includes a requirement that no material coming into contact with groundwater shall cause pollution of the water environment. SEPA considers that an assessment should be undertaken to assess whether the use of PFA grout will meet the requirements of GBR 16. If the activity causes pollution, SEPA may take enforcement action in accordance with these regulations. SEPA therefore recommends that the assessment be undertaken in line

with the guidance document: Stabilising mine workings with PFA grouts. Environmental code of practice. 2nd Edition, BRE Report 509.

43. In general, a detailed review of the assessment by SEPA is not considered necessary and the document should primarily serve the developer, to ensure no pollution occurs as a result of the activity. If the preliminary and simple risk assessments identify that the site is higher risk and conceptually complex, then a complex risk assessment is required. At this stage it may be prudent for the developer to highlight this to SEPA through additional consultation.

#### Foul Drainage

44. It is noted that the foul drainage from the site is to be discharged to the public sewer. The applicant should consult with Scottish Water in this regard. SEPA would confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

#### Surface Water Drainage

45. SUDS are mandatory under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). A guide to these regulations can be found here - <http://www.sepa.org.uk/regulations/water/>. Surface water drainage for this scale of development is authorised under General Binding Rules (GBR 10 and 11). Please note no formal authorisation is needed or provided by SEPA. The applicant/agent should satisfy themselves that the proposed SUDS are adequate and comply with the legislation/our guidance as above. Any proposed discharge of surface water to the water environment should be in accordance with the principles of the CIRIA SUDS Manual (C753).

#### Air Quality

46. It is vital when considering developments likely to generate additional levels of traffic, that they are assessed in terms of air quality. Although not within an existing Air Quality Management Area (AQMA) the local authority must ensure that residential receptors are not being introduced into an area where, as a result of this development, air quality may become an issue. The Consultant's report uses an industry standard model, ADMS (Roads) to assess potential impact and concludes that it is unlikely that any National Air Quality Objective levels, particularly NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> which are associated with road traffic, are likely to be exceeded. However, in the absence of local air quality monitoring data, the model is not validated.
47. Overall, the planning authority should be satisfied the knock-on effect on surrounding traffic routes, and in particular the cumulative impact of this development does not have the potential to lead to the future air quality issues and the declaration of an AQMA. Furthermore, any dust management plans proposed by the developer should be enforced to negate fugitive emissions from the site during construction and travel plans introduced to encourage the use of public transport.

### District Heating, low or zero carbon heat networks

48. In order for the government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Paragraph 154 of SPP states that the planning system should support the transformational change to a low carbon economy including deriving "11% of heat demand from renewable sources by 2020" and supporting "the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks.
49. SEPA note that policy ENV14 of the EALDP states that development proposals will be required to incorporate low and zero carbon generating technologies to reduce greenhouse gas emissions. SEPA have recently published new development management guidance on Heat Networks and District Heating, supported by a background paper, setting out our expectations to support the achievement of these targets in line with our duties under the Climate Change (Scotland) Act 2009. SEPA require that new substantial development (including major housing sites) ensure that their heat demand is met through district heating networks subject to the outcomes of feasibility statement prepared in line with the Scottish Government's Planning Advice on Heat.
50. It is not apparent from the planning application, or supporting documents, how it is proposed to address this issue within the proposed development. This could be accomplished through onsite heat generation, co-location with an existing or proposed heat source, or an existing or proposed heat network off site. SEPA therefore recommend the applicant provide the planning authority with an appropriate feasibility study regarding provision of heat and power to the proposed development. It should be noted that SEPA will not audit or comment on the suitability of Energy Statements or Feasibility Studies (in line with the online Planning Advice on Heat the responsibility for this lies with the planning authority) but expect them to be undertaken to demonstrate full consideration of how the proposed development can contribute towards Scotland's climate change targets.

### Construction/Demolition, Pollution Prevention

51. Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at [www.sepa.org.uk](http://www.sepa.org.uk) and to the CIRIA publication C741 "Environmental Good Practice on Site Guide" and the associated pocket book C762. Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

***Noted, the above can be controlled by a range of conditions and advisory notes to the applicant if consent is to be granted. ARA Flooding has already returned their comments as Flood Prevention Authority.***

52. East Ayrshire Council Outdoor Services have not responded to their consultation at the time of writing this report

## REPRESENTATIONS

53. Neighbour notification was undertaken on 16<sup>th</sup> August 2018 and the application was published in the Kilmarnock Standard in August and December 2018. 7 representations from 8 parties were received, of which 3 were objections and 5 were in support but had concerns. The final numbers of representations has been verified and checked in both the UNIFORM and IDOX systems. The objections and representations raised the following issues overall:

### Boundary Wall

54. With regard to the sandstone wall on the southern boundary of the site, what proposed safeguards do the developers have for the wall? This forms part of the boundary with the northern edge of the London Road Conservation Area. We would hope that the developers would ensure that the wall would be protected from any potential damage during the building works, as we feel that the wall is an important part of the heritage of this area of the town.

***This wall is historic to the London Road properties, for which, it also forms their rear garden boundaries with the College site. The issue of damage is a private property matter, and not a material planning consideration.***

### Traffic and Transportation

55. Can you tell me what will happen to the double yellow lines on the west side of De Walden Terrace? Currently parking is on the east side of the street. With the additional townhouses (parking at rear of new property) there will be a natural tendency to park at the front of the townhouses where the existing double yellow lines are on De Walden Terrace. If these are removed it will increase demand for parking on the east side of De Walden Terrace thereby causing difficulty to existing property owners in parking.

***ARA advise that the Traffic Regulation Order (TRO) currently in place on De Walden Terrace will remain. If subsequently the TRO was to be amended or discharged by ARA, then this would be subject to a separate legal process to the planning application process of which public advertisement would be part.***

56. I am concerned about the substantial increase in traffic - 76 houses which are likely to have at least one vehicle - at an already busy junction and partial blind corner on Holehouse Road. I would ask if you could let me know what proposals are being made for traffic control and pedestrian safety as there are several elderly residents in the area and a primary school nearby.

***The traffic impacts have been analysed by ARA and are not anticipated to be of particular note, given the travel patterns of the College when it was in operation. The site's access will be approximately the same location as it is for the currently vacant College (as it was when the College was operational).***

57. No turning head is proposed at the top of De Walden Terrace. A turning head is already present within the highway limit. This can be retained when the vehicular

access to the housing property is closed off. Without this existing turning facility available, vehicles will be required to mount the footway to turn.

***There is no formal turning head at De Walden Terrace, but the secondary college access is used as such. A stub is being retained here to allow an element of turning for convenience purposes.***

58. De Walden Street parking - on the proposed plans presented to the public by Barratt Homes over a year ago, they were proposing a wall to be built between the new estate and De Walden Terrace with a pedestrian walkway opening at the top of the street to allow access to the park. The wall has now been removed from the plans.

***This is correct; the drawings a year ago were for illustration purposes and did not form part of the planning application.***

59. Paths have been created to lead from the front of the town houses (which face De Walden Terrace) to the street (De Walden Terrace). The design of the town houses have the front door and kitchen located at the front of the house which face De Walden Terrace and the living room and patio doors at the back. Parking for the town houses have been provided at the back. I believe this to be inadequate.

***ARA has confirmed the parking requirements have been met for this development in terms of the revised proposals in the amended scheme.***

60. Although parking has been provided it is actually easier and closer for the new residents of the town houses to park on De Walden Terrace and walk to their front door rather than park at the back of their house and walk around the house or open the patio doors at the back and trail through the living room. Who would do this? Parking in the street is currently very busy with many people parking on the double yellow lines across the road at night as there are not enough spaces for the 14 houses currently located on De Walden Terrace. I am proposing the wall between the new estate and De Walden Terrace is reinstated and this will no longer be an issue.

***The wall mentioned above, did not form part of the planning application. A boundary hedge is now proposed, with one central walkway and two smaller walkways.***

61. In reference to the proposed plans, we would ask that there only be two pathways leading from the townhouses on to De Walden Terrace. The proposed plans currently show 10 pathways on to the street - this will, undoubtedly, result in townhouse residents (and visitors) parking on De Walden Terrace. With limited car parking already available on De Walden Terrace, this would cause upset to the people who currently reside here. With two young children, we would appreciate as little disruption, to our day to day living, as possible.

***The above was amended to be one central wider path, and with two smaller paths, principally to discourage parking from the development site on De Walden terrace.***

62. Any increase in traffic at the junction of Holehouse Road and London Road will make the junction less safe. Can you tell me how many vehicles have you allowed for (we live in an era of 2 car households). Where will the parking be for these?

**ARA has been consulted on the application with the traffic impacts analysed and these are not anticipated to be of particular note, given the travel patterns of the College when it was in operation. Parking has been provided at the correct rate.**

63. Where will be (the) vehicle access be? And upon which junctions have you considered the impact?

**The vehicle access is approximately where the main access currently is located for the former College. The Transport Assessment studies a number of junctions and travel patterns and notes that it is considered that likely volume of development traffic could be accommodated within the existing junction layouts with the greatest impact on the following junctions which are already signal controlled:**

- **B7073 London Road / Holehouse Road;**
- **B7073 London Road / A735 (at Palace Theatre); and**
- **A735 Sturrock Street / B7038 / Fowlds Street.**

**There are no significant impacts anticipated on these junctions as a result of the development.**

#### Drainage

64. There are on-going drainage problems on [1] London Road between Holehouse Road and the Grand Hall; [2] Holehouse Road at the junction of De Walden Terrace; [3] on Holehouse Road between the Kay Park and the Bistro/Steak House at the traffic lights. Due to my constant nagging of workmen, someone approached East Ayrshire and/or Scottish Water when the restaurant was being planned with the result that a new drain was created, into the burn, not into the road drainage system. Despite this, the building has been flooded on 3 occasions.
65. The following have been reported to EAC; [1] of the three drains on the north side of London Road, between the lights and the Grand Hall, 2 are permanently choked – more than 99% of rain water flows down the 3<sup>rd</sup> drain at the Kay Park Church; [2] water running down from a stank in the Kay Park down De Walden Terrace onto Holehouse Road, even when there is no rain.
66. Nothing has ever been done. Can you tell me [1] why the new drain was created into the burn and not the drainage system? [2] Why will you not rectify the problems with the drain on London Road? [3] whether an outflow from the planned development will be entering the above drainage system.

**These matters raised are in the wider vicinity of the application site but are not in the control of the applicant or developer; neither are they material to the application; however, the concerns were passed to ARA for comment. ARA has noted that the surface water treatment incorporated into the design of the application site should alleviate any localised surface water ponding in the area, especially around the entrance to the site on Holehouse Road.**

## ASSESSMENT AGAINST DEVELOPMENT PLAN

67. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of four separate plans. These are the Opencast Coal Subject Plan 2003, the Ayrshire Joint Structure Plan 2007, the EALP 2010 and the East Ayrshire Local Development Plan (EALDP) which was adopted by the Council on 3 April 2017. The topics contained in the Structure and Local Plans are superseded by the EALDP with the exception of policies relating to minerals. On this basis, the policies relevant to general development are contained solely within the EALDP and it is these policies which are considered in detail below.

### Introduction

68. The proposal is for residential development within the settlement boundary for Kilmarnock. The applicant proposes the erection of 84 residential dwellings. The application site is designated for housing development. The applicant has provided a range of supporting information which aids the overall assessment.

### Overarching Policy OP1

69. All development proposals will require to meet the following criteria in so far as they are relevant, or otherwise demonstrate how their contribution to sustainable development in the context of the subsequent relevant policies in the LDP and Scottish Planning Policy would outweigh any lack of consistency with the relevant criteria:

- (i) Comply with the provisions and principles of the LDP vision and spatial strategy, all relevant LDP policies and associated supplementary guidance and non-statutory guidance;

***The proposal complies with provisions of LDP vision and spatial strategy as identified as a housing development opportunity site.***

- (ii) Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;

***The proposal is fully compatible with surrounding established uses and will have no unacceptable impacts of the environmental quality of the area. The surrounding area is an established residential area which the proposal should complement.***

- (iii) Ensure that the size, scale, layout, and design enhances the character and amenity of the area and creates a clear sense of place;

***The proposal should enhance the character and amenity of the area and create a clear sense of place. The development has been designed in such a manner to complement the listed properties on De Walden Terrace, Holehouse Road and London Road but in particular, the terrace on De Walden, in terms of massing, height, and rhythm. However, how the open space is distributed throughout the site is a concern, as it is not centrally located, but instead located at the entrance to the site. Also of***

**concern, is the location of the affordable housing units, grouped together rather than interspersed throughout the site is another note of concern, however, in this case, the form of them (in terraces) necessitates them being together in each terrace, if not being grouped together in one location Overall, there are good design elements in the scheme that outweigh the poorer design elements**

- (iv) Where possible, reuse vacant previously developed land in preference to greenfield land;

**The application site is within the settlement boundary and will reuse previously developed land.**

- (v) Be of the highest quality design by meeting with the provisions of SPP, the Scottish Government's policy statement Designing Streets, the Council's Design Guidance and any masterplan/design brief prepared for the site;

**The proposal will be of a reasonable quality design and meets with the provisions of the above.**

- (vi) Prepare Masterplans/Design Statements in line with Planning Advice Notes 83 and 68 respectively where requested by the Council and/or where this is set out as a requirement in Volume 2 of the LDP;

**The LDP requires a masterplan and design statement to be prepared in line with PAN 68 and PAN 83. A design and access statement and site layout has been submitted to support the application.**

- (vii) Be compatible with, and where possible implement, projects shown on the LDP placemaking maps;

**The site is identified as a proposed housing growth area (2015-2025) in the Kilmarnock Placemaking map.**

- (viii) Ensure that there is no unacceptable loss of safeguarded areas of open space/green infrastructure and prime quality agricultural land;

**The site is not a safeguarded area of open space/green infrastructure nor is it prime quality agricultural land.**

- (ix) Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure where possible;

**The proposal, although the site itself is not protected by a designation, will seek to complement the listed buildings on De Walden Terrace, and Holehouse Road and the surrounding three conservations areas, being London Road, Kay Park and Piersland Park, which surround the site.**

- (x) Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area;

**There will be no unacceptable impacts on the landscape character or tourism offer of the area.**

- (xi) Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance (ARA); and

***All relevant service providers and ARA have been consulted and the development is acceptable with the imposition of certain planning conditions, where appropriate.***

- (xii) Be accessible to all.

***The proposed site layout shows that there will be one main entrance/exit point for both residents and vehicles and an additional footpath to the north east of the site connecting to the existing core path network. In terms of inclusive design, the applicant proposes to develop a mix of terraced, semi-detached and detached houses. The applicant has stated in supporting information that the design meets with standards set out in Designing Streets.***

### Overarching Policy OP 2

70. Developers will be required to implement the relevant enhancement and mitigation measures contained within the Environmental Report relating to the appropriate site assessments for residential site allocations. Proposals which fail to do so will not be supported by the Council. In line with the findings of the environment report, the applicant is required to:

- Investigate flooding on site and contact SEPA at an early stage to formulate any flood mitigation measures that might be required;

***The applicant has submitted a Flood Risk Assessment.***

- Use lower carbon materials and construction methods and should embrace renewable energy methods to minimise carbon emissions;

***Policy ENV14 applies to all new residential development. Whilst this issue would also be considered at any subsequent Building Warrant stage, the applicant clarified that:-***

- Photovoltaic panels will be used on all plots which embraces renewable energy methods and helps to minimise carbon emissions;
- All dwellings have been provided with bin store provision to facilitate & encourage recycling;
- All dwellings will be constructed to a 'Bronze Level' of sustainability under Section 7 of the 2017 Building Regulations Technical Handbook, utilising a sustainable timber frame construction & are insulated to a high standard in order to reduce the environmental impact of construction; and
- All dwellings have attained a 'Band B' energy efficiency rating Energy Performance Certificate & the average rating for EPCs in Scotland is 'Band D'.

- Redevelop the site in such a way that there are no adverse impacts on the listed buildings and conservation areas;

***There is no indication that there will be any adverse impacts on listed buildings and conservation areas.***

- Provide further green infrastructure and ensure that the development links to existing path networks, particularly those that link into the public transport route;

***The recreational open space/green infrastructure to be provided on site is connected to the existing footway network and links with the existing public transport route.***

- Provide new open space which offers both recreational and amenity open space which creates a clear sense of place.

***The proposal provides new open space of both recreational and amenity open space.***

#### Policy RES1: New Housing Development

71. Policy RES1 supports the residential development of (i) housing development opportunity sites identified in the plan and (ii) gap, infill or other redevelopment sites within settlement boundaries where they meet with all other LDP policies and requirements.

***The application site is identified as a housing development opportunity site in the LDP with an indicative capacity for 70 units. The proposal is for 84 units. The site can accommodate this number of units based upon the proposed layout, with the majority of gardens meeting the required minimum sizes.***

#### Policy RES 3: Affordable Housing

72. The Council will require the provision of affordable housing:-

- on those sites specifically identified and reserved for such purposes on the LDP maps;
- on all sites of 30 or more houses proposed in the Kilmarnock & Loudoun sub housing market area. Within such developments, 25% of houses will require to be affordable in nature;

***The proposal is for the erection of 84 residential units in total. Based on this, a total of 21 houses will be required to be affordable in nature. The Council's preference is that affordable housing be delivered on site. However, where it can be conclusively demonstrated that this is not possible or feasible, off-site provision may be considered acceptable. A commuted sum payment will be accepted only where all appropriate on and off site possibilities have been explored and full justification for them being discounted is provided. Supplementary guidance on affordable housing provides further guidance on the subject. The development of 21 affordable homes on the application site is sought and this is proposed to be delivered on site.***

73. Policy RES 11 Residential Amenity states that the Council will, at all times, seek to protect, preserve and enhance the residential character and amenity of existing residential areas. In this regard, there will be a general presumption against:

- (i) the establishment of non-residential uses within, or in close proximity to, residential areas which potentially have detrimental effects on local amenity or which cause unacceptable disturbance to local residents;

**N/A**

- (ii) the development for other uses of locally important areas of recreational or amenity open space which contribute significantly to the character and appearance of the residential area concerned, or which offer opportunities for outdoor sport and recreation;

***It is clear from the objection comments that the area is used for informal recreation, and to what extent is not known, however, the land is a locally important area of open space which contributes significantly to the character and appearance of this area in terms of the setting of the adjacent listed structure.***

- (iii) the removal of play equipment from areas of recreational open space;

**N/A**

- (iv) the closure or disruption of existing footpaths which provide important links between housing areas and areas of public open space, local shops and other community facilities, transportation nodes etc.;

**N/A**

- (v) With regard to the establishment of new residential areas, new housing developments will not be permitted in locations where existing, established adjacent uses are likely to have an unacceptable impact on the amenity of future residents.

***This relates to the introduction of new uses that are not complementary to residential use, such as industrial uses, or potentially noise and activity generating uses, rather than residential uses per se.***

Policy T1: Transportation requirements for new developments

74. The Council will require developers to ensure that their proposals meet with all the requisite standard of the ARA and align with the regional and Local Transport Strategies. Developments which do not meet these standards will not be considered acceptable and will not receive Council Support.

***ARA note that their initial concerns have all been met and in that regard, the proposal accords with Policy T1.***

## Policy INF 2: Installation of Next Generation Broadband

75. Policy INF2 notes that developers of new residential (or business and industrial developments will be required to install the necessary infrastructure to enable all new premises to be connected to the existing fibre optic network, where available in East Ayrshire, and in accordance with the relevant telecommunications provider's standards. Developers will be required to ensure that all new premises have a full fibre connection to the network ensuring that next generation broadband speeds of 100 Megabytes per second and above can be provided

***Further information will be required from the applicant to demonstrate that the requirements of policy INF2 will be met, however this can be covered by a planning condition, should Members decide to grant consent.***

## Policy INF 4: Green Infrastructure

76. The Council will require development to take a design led approach to delivering green infrastructure. Opportunities for green infrastructure delivery should be incorporated as an integral part of the design of developments to enhance and link to existing open spaces/green infrastructure and create new green infrastructure assets as appropriate. The Council will require new development to meet with the public and private open space standards set out in Schedule 8 and the provisions of the Council's Design Guidance. The provision of open space/green infrastructure should be a core component of any Masterplan.

## Green Infrastructure/Open Space

77. Kay Park, which is an area of green infrastructure of more than 0.2 hectares, is located within a few minutes walk from the site. Following detailed discussions, the applicant proposes to provide approx. 1,581 square metres of recreational open space on site (via areas identified for public open space including informal play provision on site layout, plus some 680 sqm of walks, benches and improved planting around the SUDs area).

***The amount of recreational space proposed on site does not meet the total requirement of INF 4, however, with Kay Park adjacent it is considered the amount provided will suffice for the site on this occasion, with the shortfall being compensated via a payment in lieu. Provision is made for this in the Policy, and Schedule 8 notes this to be: -***

- ***2.5% of the expected sale cost for each residential unit from £0 to £75,000;***
- ***5% of the expected sale cost for each residential unit from £75,000 - £150,000;***
- ***7.5% of the expected sale cost for each residential unit from £150,000 - £250,000; and***
- ***10% of the expected sale cost for each residential unit of £250,000 upwards.***

78. The house sales (i.e. for the non affordable units) are likely to be in the £150,000 – £250,000 bracket, per comparable recent house price sales. Of the affordable units,

Schedule 8 notes that there will be no requirement for Affordable Housing developments to make payment towards the improvement of alternative, off-site recreational green infrastructure/open space. With regard to the level of funding that will therefore be sought, should developers require to make payment towards the improvement of alternative, off-site recreational open space/green infrastructure, this amount is equivalent to

- 'a percentage of the expected sale cost of each unit that is built on the area of the site, which would normally have formed recreational open space/green infrastructure'.

***This would equate to the equivalent of providing 2 units on site and that the units will be marketed at an average of £210,000, as agreed with the applicant as a reasonable value of what will be achieved for the house sales. Based on this information and in line with what is set out in Schedule 8 the percentage level is 7.5% of the expected sale per unit – 7.5% of £210,000 = £15,750. The shortfall on site is 5236 square metres, and the average size of house (including garden, footway, road etc.) that could have been provided on that area is 295 square metres, which equates to 1.78 units which could have been provided on the shortfall area. Therefore, 15,750 x 2 units = £31,500 total payment in lieu of the recreational open space provision.***

#### Location of Recreation Open Space

79. The area of open space proposed on site is located directly adjacent to Holehouse Road which is a busy active travel route. The applicant proposes to provide play provision on the space fronting onto Holehouse Road in order to integrate the development successfully with its setting, however, it would have been preferable if the applicant could have revised the location of this space to a more central point in the development.

#### Amenity Open Space

80. The LDP requires all new residential developments to provide amenity open space/green infrastructure on site in line with the 20 square metres per household standard, as required by the Council's Green Infrastructure Strategy.

***A total of 1,680 square metres of amenity open space/green infrastructure is required to be provided on site and should be well integrated throughout the development to create a clear sense of place. This requirement is necessary in terms of the overall design of the development, in order to create a setting for residents. The Council will, in certain circumstances, take a flexible approach on the amenity open space standard, but only where the developer can demonstrate why the required standard cannot be met i.e. a small-scale development within an urban location.***

***The proposed site layout indicates that 2513 square metres will be provided, which well exceeds the minimum required. The amended drawings illustrate amenity space via a strip of land to the north of the site and adjacent to the railway embankment, however it is proposed to plant hedging and retain existing trees, and has small pockets of land located throughout the site which are currently identified as green space on the proposed site layout. Also included is the SUDS basin.***

## Residential Private Open Space

81. Residential private open space comprises all land within the curtilage of a dwelling house with the exception of land occupied by driveways, garages or parking spaces. Policy INF4 and Schedule 8 require all new residential developments to provide the minimum standards of private open space.

***Using the proposed site layout as a guide, the developer currently proposes a mix of detached, semi-detached and terraced houses. The proposed design layout meets the relevant standards as set out above for the total number of units proposed, with the exception of a small number of mid-terrace units. This small number of units which do not meet the minimum standard, is overall acceptable in this instance.***

## Policy INF 5: Developer Contributions

82. Where a development of 4 or more houses, retail or commercial leisure development either on its own, or in association with existing developments, will place additional demands on facilities, infrastructure or services that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure, facilities or services:

Kilmarnock	£124 Green Infrastructure Project
Kilmarnock	£75 Environmental/Junction Improvements to one Way system
Total	£199

***Total payable (84 x £199) £16,716***

***If the number of affordable units (25% of total number of units proposed) are to be delivered on site then the total amount of developer contributions to be made payable should be adjusted accordingly – 63 units x £199 (excluding the 21 affordable units). Contributions sought under this policy will be waived or reduced only in exceptional circumstances, but should any application be approved Members are advised that this matter can be dealt with via a legal agreement, or by payment of the contribution up front prior to the release of any decision notice.***

***Total payable with affordable units removed (63 x £199) £12, 537.***

## Policy ENV 11 Flood Prevention

83. Policy ENV 11 takes a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. Flood storage and conveyancing capacity will be protected and development directed away from functional flood plains and undeveloped areas of medium to high flood risk.

***The likelihood of flooding on the application site is low to medium. The site is also located within the area which SEPA identify as a potentially vulnerable area. ARA has been consulted and has no outstanding issues in this regard. The surface water treatment and attenuation provided on site will be of assistance in alleviating surface water ponding in this area.***

### Policy ENV14 Low and Zero Carbon Buildings

84. Policy ENV14 requires new buildings to incorporate low and zero carbon generating technologies. The proposed development is required to comply with this policy.

***Further information will be required from the applicant to demonstrate that the requirements of policy ENV14 will be met. This matter will be dealt with via a planning condition, and at Building Warrant stage, should Members decide to grant consent.***

### Policy WM3 Sustainable Waste Management and New Developments

85. This policy requires all new residential developments to make provision for waste separation and collection.

### Policy WM8 Waste Collection and Mini-Recycling Facilities

86. This policy requires the inclusion of small scale waste collection and recycling facilities within certain stated developments, including housing and commercial leisure developments.

***The proposed development is required to comply with the above policies. This will be covered separately by EAC Cleansing. There is sufficient provision of space for refuse collection and the road way is able to accommodate a standard refuse vehicle.***

### Policy ENV6: Nature Conservation

87. The importance of nature conservation and biodiversity will be fully recognised in the assessment of development proposals. This will be achieved by ensuring that:

- (i) Any development likely to have a significant effect on a Natura 2000 site which is not directly connected with or necessary to its conservation management must be subject to a "Habitats Regulations Appraisal". Such development will only be approved if the appraisal shows that there will be no adverse effect on the integrity of the site;

***N/A***

- (ii) Any development affecting a SSSI will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance.

***N/A***

- (iii) Any development that may adversely impact on areas of local importance for nature conservation, including provisional wildlife sites, local geodiversity sites and local nature reserves, will be expected to demonstrate how any impact can be avoided or mitigated.

***N/A***

88. Furthermore, to comply with Policy ENV6 (iv), the planning and design of any development which has the potential to impact on a protected species will require to take into account the level of protection afforded by legislation and any impacts must be fully considered prior to the submission of any planning application. The applicant will be expected to demonstrate how any adverse impacts on this locally important area can be avoided or mitigated. If there is evidence that protected species may be affected by the development, steps must be taken to establish their presence.

***The applicants submitted an Ecological Constraints Survey and Bat Activity Survey and a desk study was undertaken, with a walkover survey carried out to identify the broad habitat types present as well as any field signs of protected or notable species. This level of survey is acceptable given the heavily developed nature of the site and the surrounding urban area.***

***The site contains extensive habitat suitable for use by nesting birds which will likely be lost as a result of the proposed development. This loss could be compensated for by providing opportunities for nesting birds within planting schemes and amenity areas within the new development. During the activity surveys, gulls were noted nesting on the roof of the main building with three chicks identified, as all nesting birds are protected, no work should be undertaken until all chicks have fledged.***

***From the desk study it has been established that soprano pipistrelle, common pipistrelle and noctule bats have been recorded approximately 0.2 km from the site boundary. An external and internal Preliminary Roost Assessment was undertaken on 28th June and 25th July 2018, which is during the active season for bats. The main buildings and outbuildings were surveyed, and Bat activity surveys consisting of one dusk (emergence) survey and one dawn (re-entry) survey were carried out on 28th June and 17th July 2018, respectively, in good weather conditions. During the dawn activity survey, a single common pipistrelle was recorded entering a gap at the dormer window on the front of the Janitor's house. As a result, this area is legally protected and a derogation licence from Scottish Natural Heritage will be required prior to any work/demolition taking place at the Janitor's house.***

***It is considered that the development of this site for housing should not have a particular detrimental effect on bat behaviour in the area as the surrounding area, including the site itself, is urban and lit.***

***Should any mature trees be required to be removed as part of the proposed works, they should be inspected by an ecologist to ensure no damage has occurred due to weather or decay prior to removal and establish the presence or absence of roosting bats.***

***Members are advised that in terms of potential for particular protected species to be on site, that some mammals and birds are protected nationally under the Wildlife and Countryside Act 1981, (numerous wild birds, and badgers, for example (badgers are also protected under the Protection of Badgers Act 1992). Wild birds are additionally protected under the Nature Conservation (Scotland) Act 2004, and the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2012. Additionally, all bats are protected at European level under the Conservation (Natural Habitats, &c.) Regulations 1994 (Habitat***

**Regulations), as are great crested newts, and otters. In Scotland, the Habitats Directive is translated into specific legal obligations by the Habitat Regulations. The application has conclusively demonstrated that development of the site will not impact on protected species, or where it might, suitable mitigation is in place.**

(v) Any new development must protect, and where appropriate incorporate and/or extend, existing habitat networks, helping to further develop the Central Scotland Green Network in Ayrshire.

**As noted above, if Members chose to grant planning permission, the development would protect, and/or extend, existing habitat networks, (via the railway banking) which is to be kept as open space. The College covered a large area of hardstanding, therefore there would not have been a huge amount of habitat network to conserve.**

#### Policy ENV9 Trees, Woodland and Forestry

89. This Policy notes the Council will support the retention of individual trees, hedgerows and woodlands within both settlements and rural areas, where such trees contribute to the amenity, nature conservation and landscape value of the area. There will be a presumption against the felling of ancient semi-natural woodlands and trees protected by Preservation Orders. Proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits and is in line with the Scottish Government's Control of Woodland Policy.

**There are no designations on site regarding trees and those which are to be removed will require to be checked first for bat roost potential. The site will thereafter be augmented in terms of tree cover with new planting.**

#### Policy ENV 11 Flood Prevention

90. The Council will take a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance. Flood storage and conveying capacity will be protected and development will be directed away from functional flood plains and undeveloped areas of medium to high flood risk.

**ARA (Flooding) noted the location is not at risk from fluvial flooding, however, pluvial flood (surface water ponding) mapping is recorded in the area, especially at the entrance to the site on Holehouse Road. ARA has noted that a suitable drainage scheme has been devised and this should alleviate surface water flooding in the area.**

#### Policy ENV12: Water, air and light and noise pollution

91. Where developments are proposed on or close to existing water bodies, design solutions should explore how best to maintain their water quality and, where possible improve the water bodies through maintaining them as wildlife corridors where biodiversity can be improved. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats – and the Council will not be supportive of developments which will, or which have the potential to, cause significant adverse

impacts on water bodies as a result of morphological changes to water bodies such as engineering activities in the form of culverts or changes to the banks or bed.

92. Also, under Policy ENV 12, all new development must take full account of any Noise Action Plan and Noise Management Areas that are in operation in the area and ensure that significant adverse noise impacts on surrounding properties and uses are avoided. A noise impact assessment may be required in this regard and noise mitigation measures may be required through planning conditions and/or Section 75 Obligations.

***The application is supplemented by a Noise Impact Assessment to ensure that noise emanating from the trains on the rail line is able to be managed in accordance with noise guidelines. The Council's Environmental Health Service has noted that the majority of properties would meet appropriate noise standards with open windows, but that minimum specifications for combined glazing and ventilation will need to be incorporated into the design in some habitable rooms in those properties directly facing London Road, Holehouse Road, or the railway. This would enable residents to maintain acceptable levels of noise by closing windows whilst still achieving acceptable levels of ventilation. This is considered acceptable for what is essentially an existing residential area in an urban setting.***

#### Policy ENV14

93. In line with Policy ENV14, proposals for all new buildings will require to demonstrate that at least 10% of the carbon emissions reduction standard set by the Scottish Building Standards (2010) will be met through the installation and operation of zero carbon generating technologies. To comply with this requirement the applicant is required to submit a low carbon development statement. Paragraph 154 of SPP states that the planning system should support the transformational change to a low carbon economy including deriving "11% of heat demand from renewable sources by 2020", and as noted in the response from SEPA, they require that new substantial development ensure that their heat demand is met through district heating networks. No such statement has been submitted with this application, however, in line with government policy to develop district heating networks and the requirements of SEPA guidance, it is requested by SEPA that if planning permission is granted it be subject to a condition requiring, unless demonstrated through a feasibility study to the satisfaction of the Planning Authority to not be feasible, heat demand for the development to be met through the implementation of an onsite district heating network.

***As noted previously, no information has been received in this regard. A planning condition for this information to be submitted would satisfy this policy, should Members decide to grant consent. Also, the matter will be further considered as part of any Building Warrant process.***

#### **ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

94. The principal material considerations are the representations, consultation responses, Scottish Planning Policy and other associated national or local policy such as Designing Streets, the applicant's supporting information and the planning history of the site.

### Planning History

95. The historic applications relate generally to the operation of the site for the former Kilmarnock College. The following applications are the planning history for this submission.
- 17/0005/PREAPP Pre Application Notice for residential development with associated access, infrastructure and landscaping; Scope Agreed - 05/06/17
  - 18/0007/EIASCRC Screening Request regarding proposed residential development; EIA not required 03/05/18

### Representations

96. As noted above, there are a range of issues raised by the letters of representation (6) and the points are noted above. It is considered these concern technical points, mainly relating to transportation matters, have been mitigated sufficiently. Other points raised are not material to the application.

### Consultation Responses

97. The consultations responses are considered above, and do not raise outstanding matters that cannot be controlled by planning conditions.

### Impact on the Amenity of the Area

98. As noted above, the demolition of the College and erection of housing etc, will not have any significant detrimental impact on the amenity of the area.

### Applicant's Supporting Information

99. The supporting information submitted by the applicant has been outlined previously in this report and is a material consideration in the determination of this application. There is an accompanying range of material submitted in support of the application, including:
- Pre-application consultation report;
  - An assessment of traffic implications;
  - Desk top assessment of site investigation and engineering matters;
  - Report on flood risk;
  - Report on potential habitats and ecology;
  - A Design and Access statement; and
  - Archaeology report;
  - Air Quality Impact Assessment; and
  - Noise Impact Assessment.

These documents provide further support to the application assessment.

### Designing Streets/Designing Places

100. These Scottish Government policies are based on the premise that good street design and good places should derive from an intelligent response to location, rather than the rigid application of standards. Previously, street layouts were based on

hierarchy of vehicular movement, but 'Designing Streets' takes into account site specific requirements and through this, a higher sense of 'place' can be fostered, resulting in streets based less on how vehicles move through them, and more of a community function, especially in residential areas. Designing Places looks at how design can help with the social, economic and environmental goals of Scotland, focussing on key qualities such as identity; safe and pleasant spaces; and ease of movement. The Council has adopted Designing Streets as its main residential design guide until such time as new guidance is in place, however, it is noted that not all of the guidance and design in these documents are able to be maintained by the Council if roads and footways etc. are to be adopted. It is considered that the plans submitted meet with 'Designing Streets' in principle, with overall permeability for pedestrians, reasonable garden grounds, and welcoming open space.

### Scottish Planning Policy (SPP)

101. Scottish Planning Policy (SPP) notes that local plan policies should cover a range of issues, including those for the provision of new housing, within a spatial strategy which reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy (para 79). It is considered in this case that the development in some respects accords with the broad provisions of SPP, being supported in principle by the LDP policies. In particular, SPP advocates:

- giving due weight to net economic benefit;
- making efficient use of existing capacities of land, buildings and infrastructure;
- supporting delivery of accessible housing, business, retailing and leisure development;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and
- benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats.

102. Also, SPP (para 130) notes that 'linking greenspaces (rather than fragmenting them, in the case of this application) in and around settlements through green networks can deliver benefits for people and nature.... By encouraging connectivity between habitats, green networks can improve the viability of species and the health and viability of previously isolated habitats and ecosystems, supporting adaptation to climate change... Development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats in the city regions and in and around other towns and cities'.

### **FINANCIAL AND LEGAL IMPLICATIONS**

103. There are financial implications for the Planning Authority relative to the determination of this application. With regard to developer contributions, there are legal implications for the Council in the determination of this application. The developer would be either required to choose to pay the money upfront prior to the release of a decision notice, or to enter into a legal agreement with the Council to



development, a claim for an award of expenses could be made by the applicant. The Council would require to participate in whatever procedure is considered appropriate by the DPEA in order to put forward its case. This could be via further written representation, hearing or inquiry sessions or a combination of these methods. This therefore may also lead to further costs being incurred to the extent it may be necessary to either engage expert external advice, support or representation and/or to engage professional expert witnesses to give evidence on the Council's behalf as necessary.

## **COMMUNITY PLAN**

109. The assessment of the proposal has regard to the main themes of The Community Plan with regard to the environment and economy.

## **CONCLUSIONS**

110. As indicated in previously of the report, the application is considered to be compliant with the Local Development Plan 2017. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application.
111. In terms of deciding what weight to give a material consideration, Annex A to Circular 4/2009, (Development Management Procedures) states that there are two main tests in deciding whether a consideration is material and relevant:
- it should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and
  - it should fairly and reasonably relate to the particular application.
112. The above annex adds that "It is for the decision-maker to decide if a consideration is material and assess the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan.... legitimate public concern or support expressed on relevant planning matters."
113. Finally, the annex observes that "the planning system operates in the long term public interest...It does not exist to protect the interests of one person or business against the activities of another...In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest."
114. The consultation responses support the application, on balance. Also, there are a number of objections, some raising valid planning considerations of weight in the overall assessment of the proposal, however, given these raise mainly transportation matters or technical issues, that the consultees have assessed and do not object to, it is considered these are not of sufficient weight to suggest refusal of the application overall.

115. A number of elements are assessed as minor departures to the EALDP, (such as those garden grounds less than the required standard) but overall the proposal is broadly in accordance with the EALDP, with the imposition of planning conditions.

### **RECOMMENDATION**

116. It is recommended that the Planning Application be Approved with Conditions, but that the decision notice is withheld until payment of the developer contribution and payment for the open space provision are both received and cleared, and failing that, the decision notice is withheld until the satisfactory conclusion of a s.75 legal agreement for developer contributions.

117. Should it not provide possible to address the payment of the required contributions as detailed in paragraph 116 above within a 6 month period from the date of the decision on this application, then the application will be referred back to Planning Committee for Members to determine the application on the basis of non-payment and against the relevant policies of the East Ayrshire Local Development Plan.

### **CONTRARY DECISION NOTE**

118. Should the Committee agree that the application be refused on the principle of the development, contrary to the recommendation of the Head of Planning and Economic Development, the application will require to be referred to the Council because that would represent a significant departure from the Local Development Plan, the site being designated for Housing Opportunity purposes in the LDP.

### **Reason for Decision**

The application is in broad accordance with the development plan and the material considerations do not carry sufficient weight to suggest refusal of the application overall.

**Michael Keane**  
**Head of Planning and Economic Development**

**FV/MK**

**Date: 16 April 2019**

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Representations received.
5. Local Development Plan 2017.
6. Supporting statement and associated reports:-
  - Pre-application consultation report;
  - An assessment of traffic implications;
  - Desk top assessment of site investigation and engineering matters;
  - Report on flood risk;
  - Report on potential habitats and ecology;
  - A Design and Access statement; and
  - Archaeology report;
  - Air Quality Impact Assessment; and
  - Noise Impact Assessment.
7. Designing Streets/Designing Places.
8. Scottish Planning Policy.
9. Historic Planning Applications
10. Designing Streets / Designing Places

Anyone wishing to inspect the above background papers should contact Marion Fergusson, Senior Planning Officer on 01563 576769.

***Implementation Officer: David McDowall, Operations Manager: Building Standards and Development Management.***

**East Ayrshire Council**

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 18/0611/PP**

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Location	Kilmarnock College Holehouse Road Kilmarnock East Ayrshire
Nature of Proposal:	Proposed residential development (84 units) with associated access, infrastructure and landscaping.
Name and Address of Applicant:	BDW Trading Ltd & Ayrshire College c/o Barratt & David Wilson Homes 7 Buchanan Gate Cumbernauld Road Stepps Scotland G33 6FB

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Officer's Ref: Marion Fergusson  
01563 576769

The above Planning Permission application should be Approved subject to the following Conditions:

1. Prior to the occupation of any the residential units, details of a Residential Travel Pack shall be submitted to and approved in writing by the Planning Authority (in consultation with Ayrshire Roads Alliance).

**REASON:** In terms of road and pedestrian safety in the vicinity.

2. Further to Condition 1, above, the Residential Travel Pack shall be implemented in accordance with the approved details thereafter and maintained in perpetuity.

**REASON:** In terms of road and pedestrian safety in the vicinity.

3. Prior to any development on site, a Construction Transport Management Plan (CTMP) be submitted to and approved (in writing by the Planning Authority (in consultation with the Ayrshire Roads Alliance).

**REASON:** In terms of road and pedestrian safety in the vicinity.

4. Further to Condition 3, above, the Construction Transport Management Plan shall be implemented in accordance with the approved details thereafter at all times during construction works.

**REASON:** In terms of road and pedestrian safety in the vicinity.

5. Prior to any development on site, details of the windows, in terms of achieving acceptable levels of noise by closing windows whilst still achieving acceptable levels of ventilation, shall be submitted to and approved in writing by the Planning Authority (in consultation with East Ayrshire Council Environmental Health Service).

**REASON:** In order to provide suitable sound insulation for the residential properties.

6. Construction work shall be limited to the hours of 8am to 6pm Monday to Friday and 8am to 1pm on a Saturday with no construction work occurring on a Sunday.

**REASON:** In the interests of surrounding residential amenity.

7. A Dust Management Plan referencing the construction phase of the development shall be submitted to and approved in writing by the Planning Authority (in consultation with East Ayrshire Council Environmental Health Service) prior to the commencement of any development on site. A dust generation risk assessment shall be undertaken and form part of the Dust Management Plan.

**REASON:** In the interests of surrounding residential amenity.

8. Further to condition 7 above, the Dust Management Plan shall be implemented in accordance with the approved details thereafter for the entire period of construction works.

**REASON:** In the interests of surrounding residential amenity.

9. The actions identified in the Flood Risk Assessment (FRA) shall be implemented on site per the approved details prior to the occupation of any of the residential units. In particular, the equivalent volume shall be provided within the development site, below a level of 35.2mAOD, to ensure there is no negative effect on flooding off site as a result of the development, as noted in the summary of the FRA, and a minimum freeboard to minimum finished floor level of 600mm should be provided, resulting in a minimum floor level of 35.8m AOD.

**REASON:** In the interests of alleviating flood risk in the area.

10. On completion of the ground remedial works, a Completion Report shall be supplied which shall include validation and verification that the remedial measures have been carried out in accordance with the report recommendations, which shall be provided for the whole site at any one time, and not on an individual basis and shall be submitted to and approved in writing by the Planning Authority (East Ayrshire Council Environmental Health Service) prior to the occupation of any of the dwellinghouses, which shall include validation and verification that the remedial measures have been carried out in accordance with the remediation strategy. The report shall include copies of the consignment notes for any material removed from the site to landfill, validation test results for soils which are to be imported on to the site with details of

capping layer depths, along with soil gas and water supply pipe protection measures.

**REASON:** In the interests of protecting the site from contamination.

11. The applicant shall erect a suitable trespass proof fence of at least 1.8 m in height adjacent to Network Rail's boundary and make provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing and maintenance shall be submitted to and approved in writing by the Planning Authority (in consultation with Network Rail) prior to the commencement of any development on site.

**REASON:** In the interests of public safety and the protection of Network Rail infrastructure.

12. Notwithstanding the approved drawings, a revised landscaping drawing, taking cognisance of Networks Rail's comments (in respect of trees/shrubs to be planted adjacent to the railway boundary) and details of the proposed recreational features to be supplied, shall be submitted to and approved (in consultation with Network Rail) in writing by the Planning Authority prior to the commencement of any development on site.

**REASON:** In the interests of public safety and the protection of Network Rail infrastructure.

13. Prior to any development on site, details of the sustainable urban drainage system (SUDS) for the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site.

**REASON:** In the interests of surface water management of the site and the surrounding area.

14. Further to Condition 13, above, the SUDS shall be implemented in accordance with the approved details thereafter and no later than the occupation of the first dwelling house and maintained thereafter in perpetuity.

**REASON:** In the interests of surface water management of the site and the surrounding area.

15. Prior to any development on site, a low carbon development statement shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site. This shall outline the installation and operation of low/zero carbon generating technologies throughout the site.

**REASON:** In order to comply with Policy ENV 14 of the East Ayrshire Local Development Plan 2017.

16. Further to Condition 15, above, the low/zero carbon generating technologies shall be implemented in accordance with the approved details prior to the occupation of the individual houses concerned.

**REASON:** In order to comply with Policy ENV 14 of the East Ayrshire Local Development Plan 2017.

17. Prior to any development on site, details and samples of the external materials and external surfaces to be used shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any development on site.

**REASON:** In the interests of visual amenity.

18. Further to Condition 17, above, the materials shall be implemented in accordance with the approved details thereafter, and by no later than occupation of the individual dwellinghouses concerned with regard to the external materials, and by no later than issue of the completion certificate of the last house with regard to the external surfaces.

**REASON:** In the interests of visual amenity.

19. Prior to any development on site, details of the boundary treatments to be used shall be submitted to and approved in writing by the Planning Authority.

**REASON:** In the interests of visual amenity.

20. Further to Condition 19, above, the boundary treatments shall be implemented in accordance with the approved details thereafter and by no later than issue of the completion certificate of the individual dwellinghouses concerned for the garden curtilages; and by no later than issue of the completion certificate of the last house with regard to the remaining boundary features.

**REASON:** In the interests of visual amenity.

21. Further to condition 12 above, the approved landscaping details shall be implemented on site thereafter, and all planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting (excepting garden grounds where those houses have been sold). Within that period any trees, shrubs or plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

**REASON:** In the interests of visual amenity.

22. A minimum of 21 of the 84 residential units hereby approved, shall be affordable units, (i.e. where affordable housing means housing of a reasonable quality that is affordable to local people on modest income as further defined in the East Ayrshire Local Development Plan Supplementary Guidance: Affordable Housing, April 2017).

**REASON:** In order to accord with Policy RES 3 of the East Ayrshire Local Development Plan 2017 and the Council's Supplementary Guidance on Affordable Housing April 2017.

23. Prior to the commencement of development, full details of the necessary infrastructure to enable all premises within the development to be connected to the existing fibre optic network in this area in accordance with the relevant

telecommunications providers' standards, shall be submitted to, and be approved in writing by, the Planning Authority.

**REASON:** In terms of connecting to the necessary infrastructure for existing fibre optic network in the area.

### **Advisory Notes**

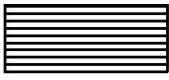

1. The applicant is advised to contact Scottish Water with regard to their consultation response.
2. The applicant is advised to contact SEPA with regard to their consultation response.
3. The applicant is advised to contact Network Rail with regard to their consultation response.
4. The applicant is reminded of their obligations under the Wildlife and Countryside Act 1981, the Nature conservation (Scotland) Regulations 2012, and the Conservation (Natural Habitats &c) Regulations 1994.
5. With reference to condition 7 (Dust Management plan), reference should be made within the Dust Management Plan to appropriate technical guidance eg. IAQM Guidance on the assessment of dust from demolition and construction 2014.
6. With reference to condition 3 (CTMP), this should provide the following information, which is not to be considered exhaustive:
  1. Maps showing local pedestrian / cycle and public transport networks.
  2. Railway station information.
  3. Public transport routing and timetable information.
  4. Information on car share clubs, cycle parking areas and local convenience retail opportunities.
  5. Website links for local travel operators, and
  6. Contact details for local transport user groups.
7. Network Rail advise that any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.
8. Network Rail advise that construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

9. Network Rail advise that details of all changes in ground levels, retaining walls, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
  
10. Network Rail advise that the developer must contact their Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer  
151 St. Vincent Street,  
GLASGOW,  
G2 5NW  
Tel: 0141 555 4352  
E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)





<p>Title/Location</p> <p><b>Holehouse Road</b></p> <p><b>Kilmarnock</b></p> <p><b>Application No. 18/0611/PP</b></p>	<p><b>East Ayrshire Council</b></p> <p>Economy and Skills          Planning &amp; Economic Development          The Johnnie Walker Bond          15 Strand Street          Kilmarnock KA1 1HU</p> <p>Tel: (01563) 576790</p> <p>e-mail : <a href="mailto:submittoplanning@east-ayrshire.gov.uk">submittoplanning@east-ayrshire.gov.uk</a></p> <p><b>Com Date: 26/04/2019</b></p>
<p>Key</p> <p> <b>Application Site</b></p>	

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